

# HB2438

# HD2

Measure Title:  
RELATING TO CIGARETTES.

Report Title:  
Fire-Safe Cigarettes; State Fire Council

Description:  
Establishes a process to ensure that only fire-safe cigarettes are sold in Hawaii. (HB2438  
HD2)

Introducer(s):  
YAMANE, EVANS, MCKELVEY, Sagum, Tokioka, Tsuji, Yamashita

Current Referral:  
CPH/HTH, JDL



COALITION FOR A  
TOBACCO-FREE HAWAII

**TO: COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE  
HOUSING, Senator Russell Kokubun, Chair & Senator David Ige, Vice Chair**

**COMMITTEE ON HEALTH, Senator David Ige, Chair & Senator Carol Fukunaga, Vice Chair**

**RE: HB 2438 HD2, Relating to Reduced Ignition Propensity Cigarettes.**

**HEARING: March 10, 2008, 2:45 P.M., Room 016**

Chair's Kokubun and Ige and members of the Committee on Commerce, Consumer Protection, and affordable Housing and the Committee on Health.. Thank you for the opportunity to once again submit testimony in **strong support** of HB2438 HD2, which prohibits the sale of cigarettes in Hawaii that are not of reduced ignition propensity or "fire-safe" beginning July 1, 2009. My name is George Massengale, I am the Policy Director, for the Coalition for a Tobacco Free Hawaii, a statewide association of nonprofit organizations, businesses and more than 2,000 individuals committed to working together to reduce the negative impact of tobacco on the health of Hawaii's children, adults, and visitors.

As the committee's knows, the Coalition's primary mission is reducing the harmful impact of tobacco usage among the residents of our state. We also support the efforts of other organizations that also want to reduce the harm caused by smoking cigarettes, in this particular instance, the Hawaii State Fire Council's efforts to address the issue of cigarette fires which are the number one leading cause of fire deaths and property damage in the United States.

We've offered testimony previously on this bill, noting that **we particularly support Section 4, the "Certification and Marking" provision that mandates State approval to manufacture or sell cigarettes in Hawaii. Additionally, we also believe that the penalties outlined in Section 6, will also impact the sale of black market cigarettes, as well as sales by unlicensed vendors.**

In closing we would note that 22 other States covering 52% of the U.S. population, and 14 nations around the world have passed "fire safe cigarette" legislation.

Sincerely yours,

George S. Massengale, JD  
Policy Director



# HAWAII FIRE FIGHTERS ASSOCIATION

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO  
2305 S. BERETANIA ST., RM. 202, HONOLULU, HAWAII 96826-1493  
TEL: (808) 949-1566 FAX: (808) 952-6003  
[www.hawaiifirefighters.org](http://www.hawaiifirefighters.org)

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The Twenty Fourth Legislature  
Senate Committees on Commerce, Consumer Protection and Affordable Housing  
And Health  
Testimony by  
Hawaii Fire Fighters Association

**H.B. 2438, H.D. 2      Relating to Cigarettes**

My name is Robert H. Lee and I am the President of the Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO. On behalf of the 1,800 professional and 800 retired fire fighters throughout the State, the Hawaii Fire Fighters Association supports H.B. No. 2438, H.D. 2, which prohibits sale of cigarettes in Hawaii that are not reduced ignition propensity "fire-safe" beginning 7/1/2009.

The HFFA supports H.B. No. 2438, H.D. 2, because of the impact on fire fighters throughout the State. This initiative will help prevent fires, save lives, and property. As of January 1, 2008, 22 states have enacted similar legislation. In Washington State, the Ways and Means Committee just passed a similar bill on January 22, 2008.

This initiative helps protect the community and fire fighters. Thank you for the opportunity to testify and we ask for your support of H.B. 2438, H.D. 2.



Senator David Ige, Chair  
Senator Carol Fukunaga, Vice Chair  
Committee on Health

Senator Russell Kokubun, Chair  
Senator David Ige, Vice Chair  
Committee on Commerce, Consumer Protection & Affordable Housing

State Capitol, Honolulu, Hawaii 96813

HEARING      Monday, March 10, 2008  
                    2:45 pm  
                    Conference Room 016

**RE:    HB2438, HD2, Relating to Cigarettes**

Chairs Ige and Kokubun, Vice Chairs Fukunaga and Ige, and Members of the Committees:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing about 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii.

**RMH supports HB2438, HD2** and appreciates the provision that will facilitate seamless implementation by allowing sufficient time for sell-through of our existing inventories.

Thank you for your consideration and for the opportunity to comment on this measure.

President



COUNTY OF KAUAI  
**Fire Department**  
Mo'ikeha Building  
4444 Rice Street, Suite 295  
Lihu'e, Kaua'i, Hawaii 96766

March 10, 2008

The Honorable David Y. Ige, Chair  
Committee on Health  
The State Senate  
State Capitol, Room 215  
Honolulu, Hawaii 96813

The Honorable Russell S. Kokubun, Chair  
Committee on Commerce, Consumer Protection, and Affordable Housing  
The State Senate  
State Capitol, Room 407  
Honolulu, Hawaii 96813

Dear Chairs Ige and Kokubun:

Subject: H.B. 2438, H.D. 2 Relating to Cigarettes

I am Robert Westerman, Fire Chief of the Kauai Fire Department (KFD) and a member of the State Fire Council (SFC). The SFC and the KFD support H.B. 2438, H.D. 2, which would require that only reduced ignition propensity cigarettes be sold in Hawaii beginning July 1, 2009. We believe that this bill is in alignment with legislation passed by 22 other states, which affects 52 percent of the United States (U.S.), and Canada. Fifteen states have pending legislation requiring reduced ignition propensity cigarettes.

The SFC recommends the following revisions to accomplish a successful enactment of the bill:

"SECTION 1. § -4 (a) Each cigarette certified under this subsection shall be recertified every ~~three~~ two years."

Two years will coincide with the biennial state budget cycle. With an estimated 2100 different brand styles listed in Hawaii, \$250 would provide \$525,000 biennially or \$262,500 annually. This will provide a revenue source to assist the SFC in implementing, administering, and enforcing this program. Funding will also be necessary for compliance testing should it be deemed appropriate for brands determined or alleged to be non-compliant. The Hawaii State Attorney General estimates the cost to test each cigarette brand to range from \$760 - \$2,000.

The Honorable David Y. Ige and Russell S. Kokubun, Chairs

Page 2

March 10, 2008

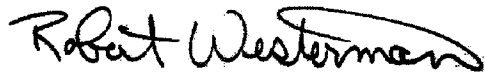
~~“SECTION 4. This Act shall take effect on the first day of the thirteenth month after enactment; provided that section 3 shall take effect upon approval of this Act coincide with the effective date of a new cigarette tax rate and stamp scheduled for September 2010.”~~

This revision would allow the SFC sufficient time to implement and administer the reduced ignition propensity cigarette program and to coincide with the scheduled new cigarette tax stamp and rate for the State. It would also allow retailers time to sell the remaining stock of non-compliant cigarettes.

In 2005, there were 82,400 smoking material fires in the U.S. that killed 800 people and injured 1,660 others. Ninety-three percent of the deaths and 78 percent of the injuries were in home fires. Property losses from smoking material fires total millions of dollars each year. In Hawaii, 438 fires were caused by cigarettes and resulted in \$1,461,125 in property damage, ten injuries and no loss of life between 2001 and 2006. H.B. 2438, H.D. 2 will help reduce the number of fire incidents, dollar loss, and injuries statewide.

The SFC and the KFD request your committee's support on the passage of H.B. 2438, H.D. 2. Should you have any questions, please call me at (808) 241-6500.

Sincerely,



Robert Westerman  
Fire Chief, County of Kaua'i

RFW/eld